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13. ABSTRACT (Maximum 200 Words) This Instruction implements policy and assigns responsibilities for integration of environmental considerations into DoD activity and operational planning. It assigns responsibilities and prescribes procedures for implementing DoD Directive 4715.1 in accordance with DoD Instructions 4715.3, 4715.4, and 4715.6, DoD Directive 5000.1, and DoD 5000.2-R.			
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Department of Defense **INSTRUCTION**

May 3, 1996
NUMBER 4715.9

USD(A&T)

SUBJECT: Environmental Planning and Analysis

References: (a) DoD Directive 4715.1, "Environmental Security," February 24, 1996
(b) DoD Instruction 4715.6, "Environmental Compliance," April 24, 1996
(c) DoD Instruction 4715.4, "Pollution Prevention," June 18, 1996
(d) DoD Instruction 4715.3, "Environmental Conservation Program," May 3, 1996
(e) through (k), see enclosure 1

A. PURPOSE

This Instruction:

1. Implements policy and assigns responsibilities for integration of environmental considerations into DoD activity and operational planning.
2. Assigns responsibilities and prescribes procedures for implementing reference (a) in accordance with references (b) through (f).

B. APPLICABILITY AND SCOPE

This Instruction:

1. Applies to the Office of the Secretary of Defense, the Military Departments (including the Coast Guard when it is operating under the Department of the Navy), the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands (as appropriate), the Office of Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities, including any other integral DoD organizational entity or instrumentality established to perform a governmental function) (hereafter referred to collectively as "the DoD Components"). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.
2. Does not apply to the civil works function of the Department of the Army.
3. Supplements the requirements of the National Environmental Policy Act (NEPA) (reference (g)) and the Council On Environmental Quality (CEQ) regulations under 40 CFR 1500-1508 (reference (h)). Policies specific to reference (g) are included in enclosure 2.
4. Requires the DoD Components to implement policy and prescribe procedures specific to their activities and operations to comply with this Instruction.

5. Is limited to DoD activities and operations that may have environmental effects within the United States.

C. DEFINITIONS

1. Domestic Maritime Boundary of the United States. The seaward limits of the geographic area within a distance of 3 nautical miles seaward of the baseline for all states, territories, and possessions, except the Gulf Coast of Florida and Texas, where it means a distance of 3 marine leagues (9 nautical miles) seaward of the baseline.

2. Environmental Partnering. Joint and systematic efforts of the DoD Components to formally engage other governmental agencies (Federal, State, local), non-profit groups, and private contractors and other parties, as appropriate, to implement specific programs and projects dealing with restoration, conservation, compliance, or pollution-prevention activities.

3. Environmental Planning. The process of identifying and considering environmental factors that impact on, or are impacted by, planned DoD activities and operations.

4. Proponent. The organization that exercises primary management responsibility for a proposed action or activity.

5. United States. All States, territories, and possessions of the United States and all waters and airspace within the domestic maritime boundary of the United States.

D. POLICY

It is DoD policy to:

1. Integrate environmental considerations into DoD plans for defense activities and operations. DoD activity and operational planning should fully consider the environmental consequences of proposed actions in conjunction with national security requirements and other considerations of national policy.

2. Prepare necessary documentation required under references (g) and (h) whenever a proponent develops a proposal for an action that has the potential for significant environmental impacts and the Component is actively preparing to make a decision on one or more alternative means of accomplishing that proposal.

3. Integrate environmental considerations into installation master planning and operational planning.

4. Integrate environmental considerations into acquisition programs in accordance with DoD 5000.2-R (reference (e)) and DoD Directive 5000.1 (reference (f)).

5. Require the proponent of an action to program for funding of the costs of any environmental planning and analysis necessitated by the action.

E. RESPONSIBILITIES

1. The Deputy Under Secretary of Defense for Environmental Security, under the Under Secretary of Defense for Acquisition and Technology shall:

a. Provide policy and oversight for integration of environmental considerations into DoD activity planning and, as appropriate, operational planning.

b. In consultation with appropriate Assistant Secretaries of Defense and other applicable DoD Components, resolve disagreements over departmental policy about environmental planning issues when agreement among the DoD Components cannot be reached.

c. Support DoD budget requests to manage and implement this Instruction.

d. Be the principal point of contact for the Department of Defense on environmental issues brought before the CEQ, the Office of Management and Budget, the Advisory Council on Historic Preservation, Headquarters U.S. Environmental Protection Agency, the Federal Aviation Administration, and other Federal Agencies at the Headquarters level on environmental planning issues that have DoD-wide applicability. This provision does not apply to the National Security Council and National Security Council-chartered working groups for which the Chairman of the Joint Chiefs of Staff is the principal point of contact.

e. Oversee DoD Component implementation of this Instruction.

f. Establish and maintain a multi-Service manual as an adjunct to this Instruction addressing installation-compatible use zone and noise issues.

2. The Heads of the DoD Components shall:

a. Integrate environmental considerations into planning for all applicable DoD Component-level activities and operations.

b. Plan, program, and budget for environmental planning and analysis and execute such environmental planning and analysis consistent with DoD guidance and fiscal policies.

c. Ensure that decisionmakers are cognizant of the potential environmental impacts of their decisions.

d. Provide policy and procedures for implementing the requirements of this Instruction.

- e. Support outreach processes on environmental planning and analysis.
- f. Coordinate with other DoD Components on environmental issues that affect them.

F. PROCEDURES

1. The Deputy Under Secretary of Defense (Environmental Security) shall transmit to Congress environmental impact analyses prepared to support DoD legislative proposals.

2. The Heads of DoD Components shall:

a. Issue environmental planning policies and procedures to promote the early integration of environmental considerations into activity and operational planning to ensure that:

(1) Decisionmakers are informed of the consequences, alternatives, costs, and mitigation factors that must be considered about DoD decisions that have potential significant environmental impacts;

(2) Decisionmakers consider, during activity and operational planning, constraints imposed by applicable Federal, State, interstate, and local environmental laws and regulations, and Executive Orders; and,

(3) Potential delays and conflicts in mission execution are minimized.

b. To the extent practicable and appropriate, and subject to the availability of funds, include in any environmental policies and procedures issued under paragraph F.2.a., above, provisions that encourage installations to engage in advance environmental planning, including development of environmental baseline information to support activity and operational planning. Such information should be included in master plans or such other plans developed for installation-wide activities and operations. This information should be available in a format that provides ready-access to managers and staff responsible for environmental compliance and to decisionmakers who require early information to identify environmental impacts and alternatives.

c. Adopt, as necessary, procedures to supplement 42 U.S.C. 4321 et seq. (reference (g)) and 40 CFR 1500-1508 (reference (h)).

d. Develop intergovernmental and other public consultation procedures, as appropriate, with State and local elected officials and governmental bodies, Indian tribes, native Hawaiian organizations, citizen groups, and the general public for proposed activities that have potentially significant impacts on the human environment.

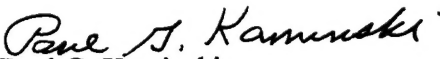
e. Develop interagency consultation procedures with other Federal Departments and Agencies for proposed actions that are of potential interest to these Agencies. Include

environmental partnering approaches and processes, as appropriate, with Federal and State agencies under 42 U.S.C. 2701 et seq. (reference (i)).

f. Develop, implement, and maintain noise and Installation Compatible Use Zone programs that promote compatibility between the activities and operations within the installation, and between the activities and operations of the installation and neighboring civilian communities.

G. EFFECTIVE DATE

This Instruction is effective immediately.


Paul G. Kaminski
Under Secretary of Defense
(Acquisition and Technology)

Enclosures - 2

1. References
2. Policies Specific to Section 4321 et seq. of title 42, United States Code (reference (g)).

REFERENCES, continued

- (e) DoD 5000.2-R, "Mandatory Procedures for Major Defense Acquisition Programs (MDAPs) and Major Automated Information System (MAIS) Acquisition Programs," March 15, 1996 authorized by DoD Directive 5000.1, March 15, 1996
- (f) DoD Directive 5000.1, "Defense Acquisition," March 15, 1996
- (g) Section 4321 et seq. of title 42, United States Code, "National Environmental Policy Act of 1969," as amended
- (h) Title 40, Code of Federal Regulations, Parts 1500-1508, "Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act"
- (i) Section 2701 et seq. of title 42, United States Code, "Intergovernmental Cooperation Act of 1968
- (j) Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," February 11, 1994
- (k) Section 9601 et seq. of title 42, United States Code, Comprehensive Environmental Response, Compensation, and Liability Act of 1980," as amended

POLICIES SPECIFIC to Section 4321 et seq. of title 42, United States Code (reference (g))

1. Emergencies. When emergency actions are taken that have potential for significant environmental impacts and that make it necessary to consult with the Council on Environmental Quality, Heads of the DoD Components (or designees) will, as soon as practicable, advise the Office of the Deputy Under Secretary of Defense (Environmental Security). The DoD Component Head (or designee), the DUSD(ES), and General Counsel of the Department of Defense (GC, DoD)) will jointly consult with CEQ. Because of the importance of engaging the CEQ, the DoD Component may unilaterally consult with CEQ concerning the emergency action if the DUSD(ES) and the GC,DoD are not available. (40 CFR 1506.11) (reference (h)).
2. Environmental Justice. The DoD Component documentation under 42 U.S.C. 4321 et seq. (reference (g)) must contain an analysis of the impacts of the proposed action and alternatives considered, including impacts that may have disproportionately high adverse human health or environmental effects on populations covered by E.O. 12898 (reference (j)).
3. Filing of Reference (g) Documentation. The DoD Components shall provide to the DUSD(ES) a copy of notices of intent or similar notice documents issued to announce the preparation of reference (g) documentation. Upon request, copies of any reference (g) documents shall be furnished to the DUSD (ES). The DoD Components shall maintain official record copies of all reference (g) documents prepared by the DoD Component for a time period commensurate with the significance of the proposed action.
4. Electronic Filing. The DoD Components shall file, electronically, copies of all draft and final environmental impact statements, and Records of Decision with the Defense Technical Information Center as part of their public distribution procedures. Components may exclude graphics and/or figures from the document filed. This provision does not apply to documentation being prepared under contracts that exist at the time this Instruction becomes effective.
5. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (reference (k)) and National Environmental Policy Act (NEPA) (reference (g)) Relationship. The procedural requirements for preparation of documentation to meet the statutory requirements for remediation and/or restoration projects undertaken under reference (k) are substantially the same as prescribed under reference (g). Consequently, Components are not required to prepare separate reference (g) documents for CERCLA actions.
6. Mitigation Measures. The DoD Components shall establish procedures for identifying and tracking mitigation measures committed to in environmental planning documents.
7. Self Audit Programs. The DoD Components shall evaluate through self-audit programs whether mitigation measures were implemented.